

Cook

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 2-27-74(Plaintiff)

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>Suell Turner and Juanita Turner Plaintiff,</p> <p>vs. G. D. Searle and Company and John M. Knox, dismissed Defendants.</p> <p>and SEARLE AND CO., a subsidiary of G. D. Searle and Company</p>	<p>For plaintiff: Dale F. McDaniel 2626 East 21st Street Tulsa, Oklahoma 74114 744-7771</p> <p>For defendant: Wm. D. Hunt (John Knox) Rucker Bldg. Tulsa, Okla. 74119 (587-3361) Alfred Knight (F.D.Searle & Co.) 310 Beacon Bldg. Tulsa, OK 74103 and Sidley and Austin One First National Plaza Chicago, Illinois 60670</p>

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 3-1-74	Clerk		2-27-74	McDaniel	15.00	15 00
J.S. 6 mailed 6-1-75	Marshal		2-28-74	C/D #33		
Basis of Action: Breach of Warranty & Money Judge- ment	Docket fee Witness fees					
Action arose at:	Depositions					

DEMAND FOR JURY TRIAL- 2-27-74 (Plaintiff)

FPI MI-1.3-72-100M-7199

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-27-74	1. Complaint, filed.s Summons Issued.	
3-7-74	2. Pltf's Demand for Jury Trial, filed. e	
3-11-74	Summons, ret. & filed: served G. D. Searle & Co., 3-4-74; John M. Knox, Houston, Tx. 3-5-74. (USM \$11.12)g	
3-20-74	3. Deft. John M. Knox's Motion to Dismiss, filed. e	
3-20-74	4. Memorandum in Support of Motion to Dismiss of John M. Knox, M.D. filed. e	7c 3
3-20-74	5. Affidavit of John M. Knox, M. D., filed. e	
3-25-74	6. Affidavit of Mailing re: Deft. Knox's Mot. to Dismiss, filed. v	
3-27-74	7. <i>Pltf's</i> Response to Motion to Dismiss, filed. e <i>note in file</i>	
4-1-74	Letter, filed, from Judge Daugherty to Dale McDaniel asking that Pltfs respond to Deft. John M, Knox's mot. to dismiss within 15 days from March 29, 1974. (FD-J)v	
4-10-74	Alias summons, ret. & filed: served Secy of State, Ok. City for C. D. Searle & Co., Chicago on 4-3-74. (USM \$4.72)g	
4-26-74	8. Interrogatories of pltf. propounded to def. Searle, filed. rm	
5-3-74	MO: Case set for oral argument on motion to dismiss of def. John Knox for Thurs., 5/9/74 at 12:00 noon. (FD-J)rm - notices mailed	
5-6-74	9. <u>Answer</u> of Deft., G.D. Searle & Co., filed. v	
5-6-74	10. REQUEST FOR <u>JURY</u> TRIAL, filed by Deft. G.D. Searle & Co. v	
5-9-74	Case called for hearing on mo/dismiss of def. Knox. Parties rep. by counsel of record; Jim Khouri present for Dale McDaniel. Arguments heard and mo/dismiss granted by Ct. Def.'s counsel directed to prepare proper order of dismissal. (FD-J)rm	
5-10-74	11. Attorney's Lien Claim of Pltf's atty, Dale McDaniel, filed. e	
5-10-74	12. INTERROGATORIES, filed; propounded to pltf. by def. e	
5-21-74	13. APPLICATION for Extension of Time to File Answers to Interrogatories, filed,,with Order to J, incorporated in Appl. e	
5-28-74	14. Amended appl. of def. for ext. of time to file ans. to interrog., filed. rm <i>(orig. to J. McDaniel)</i>	
5-31-74	15. ORDER of Dismissal, filed, as to def. John M. Knox. (FD-J)e cps mld.	
5-31-74	16. ORDER, filed granting for Extension of Time to File Answers to Interrogatories to 6-24-74. (FD-J)e	
6-20-74	17. Appl'n. filed by defs. for extension of time to file answers to interrogatories. lm (O as part of org. pldg., all to Judge)	
6-21-74	18. Appl. of pltf. for ext. of time to file ans. to interrog., filed.rm (Order as part of appl. to judge)	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-24-74	20. Order, filed, granting defts. until 7-24-74 to file Ans. to Interrogatories.(FD-J)jj copies mailed	
6-24-74	21. Order, filed, granting pltfs. to 7-11-74 to ans. interrog.(FD-J)rm	
7-1-74	22. Answers to interrogatories (with exhibits), filed. g <i>in separate envelope</i>	
7-1-74	23 Affidavit of Fred McIlreath, filed. g	
7-12-74	24. Appl. of pltfs. for ext. of time to file ans. to interrog., filed.rm <i>(10 on part of answer to 23)</i>	
7-15-74	25. Order, filed, granting Pltfs. until 8-11-74 to file answers to interrogatories. (FD-J)k copies mailed.k	
7-25-74	26. Answers of pltfs. to interrogatories, filed.k	
8-1-74	MO: Ordered that this case is set for pre-trial for 8/21/74 at 2 p.m. (FD-J)rm	
8-16-74	27. Ltr. req. of pltf. for cont. of pt, filed. rm	
8-16-74	28. Ltr. from FD to counsel denying req. for cont. of pt.(FD-J)rm	
8-21-74	Partial Pre-Trial conf. held. Parties rep. by counsel of record. Pltf. granted leave to amend complaint to add addl. party def. and do so within 10 days. Pltf. to be available for medical exam. by def. doctor. Submission of PT Order waived. Case to be set on next pre-trial docket. (FD-J)rm	
8-30-74	29. Amended Complaint of pltf., adding addl. party def., filed. rm Summons issued to Searle and Co.	
9-6-74	Summons, ret. & filed: served Searle & Co. by serving their agent, Secy. of State, St. of Okla. 9-4-74. (USM \$4.72)g	
9-17-74	MO: Case set for pre-trial for 11/11/74 at 4:30 p.m. (FD-J)rm	
9-20-74	30. Answer, filed, to Amended Complaint. k	
11-11-74	Case called for further pre-trial hrg. Pltf. rep. by counsel; def. counsel not present. Case passed to 11/12/74 at 4:30 p.m.(FD-J)rm	
11-13-74	Further pre-trial conf. held. Parties rep. by counsel of record. Pltf. directed to brief "applicability of breach of implied warranty and res ipso," <i>in 15 days</i> def. 15 days to respond. Case to be set for further pre-trial on req. of parties. (FD-J)rm	
11-22-74	31. Brief in Support of Applicability of Implied Warranties under the Uniform Commercial Code and the Doctrine of Res Ipsa Loquitur, filed.jj	
12-9-74	32. Reply brief of defs., per pre-trial conf. order, filed. rm	
12-30-74	33. Supplemental reply brief of deft. G. D. Searle & Co., filed.	
1-8-75	MO: Ordered by the Ct. that this case is transferred to Judge Cook.(FD-J)rm <i>filed</i>	
1-10-75	Depositions of Juanita Turner & Suell David Turner on behalf of deft. G. D. Searle & Co. before Loyd J. Christesson, CSR, on 10-22-74. k	
2-6-75	MO: Case set for pre-trial on 2-27-75 at 10:15 a.m. (HDC-J)hm	

(cont.)

DATE	PROCEEDINGS	Date Order or Judgment Note
2-27-75	Pre-trial hearing held. Statements made. Pltf. to prepare pre-trial order and case to be set for jury trial. If case not settled, Court directs parties to file trial briefs. (HDC-J)hm	
3-4-75	³⁴ MOTION for S/J, filed.jj	
3-4-75	³⁵ BRIEF in Support of Mtn. for S/J, filed.jj	
3-4-75	MO: Ordered that pltf, is granted 10 days from this date to respond to defts. Mtn. for S/J.(HDC-J)jj	
3-6-75	³⁶ Response to Mot. for Summary Judgment, filed by Pltfs. v	
3-6-75	³⁷ Brief in Support of Response to MOt. for Summary Judgment, filed. v	
4-4-75	³⁸ Defts' motion for production of documents, filed. hm	
4-4-75	³⁹ Brief in support of motion for production of documents under R. 34, filed. hm	
4-4-75	⁴⁰ Request for admission under Rule 36, filed. hm	
4-4-75	⁴¹ Brief in support of request for admission under R. 36, filed. hm	
4-8-75	⁴² Pre-trial order, filed. (HDC-J)hm	
5-7-75	⁴³ Appl. of parties to Dismiss with prejudice, filed. v (o)	
5-8-75	44. Order of dismissal, filed and entered, dismissing complaint and all causes of action with prejudice. (HDC-J)hm (copies mailed)	